

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1232**

706-0100

This Agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Norfolk Southern Railway Company ("Company"), City of Decatur, Illinois ("City"), and the State of Illinois, Department of Transportation ("Department" or "IDOT").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through staff evaluation that inquiry should be made into the matter of improving public safety at the Moffet Lane highway-rail grade crossing of the Company's track in the City of Decatur, Illinois, designated as crossing AAR/DOT #479 255X, railroad milepost 378.74-WC; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder, by the Company.

- (b) Installation of a new railroad advance warning sign and pavement markings on the south highway approach to the crossing, in compliance with requirements of 92 Ill. Adm. Code 1535.310, by the City.

Section 3 The Company has provided a preliminary round figure cost estimate (see Exhibit B) for the installation of automatic flashing light signals and gates at the subject location. The Company shall upon a Commission Order, according to the requirements contained therein, prepare and submit duplicate copies of detailed drawings, detailed circuit plans, cost estimates and any required specifications for the proposed improvements for the approval of the Commission. The Company agrees that an appropriate time for the submission of plans should be ninety (90) days from the date of a Commission Order approving this Agreement.

Section 4 The Company and the City shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order approving this Agreement.

Section 5 The parties agree that an equitable division of cost for the proposed improvements is as follows:

COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	CITY	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$189,572	(30%) \$56,872 ¹	\$0	\$0 ²	(70%) \$132,700 ¹
Install Advance Warning Sign and Pavement Markings	No Estimate Required	\$0	100% ³	\$0	\$0
TOTALS	\$189,572	\$56,872¹	\$0³	\$0²	\$132,700¹

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance not to exceed \$56,872; any installation costs above the estimated amount of \$189,572 will be divided between the GCPF and IDOT at 30%GCPF/70%IDOT cost division, upon submittal and review of evidence to support the additional cost and subject to approval by the Commission.

² Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

³ City responsible for all future maintenance costs associated with the advance warning signs and pavement markings.

Section 6 Special Provisions: The Company and the City shall review the Project Manager Information portion of the Project Status Report sheets, attached as Exhibits E-1 and E-2, respectively. If any changes are required, the sheets are to be corrected and sent with this executed Agreement.

The Company and the City shall, at six (6) month intervals from the date of the Commission Order approving this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit E-1, regarding the progress each has made toward completion of the work

required by this Agreement. Each Project Status Report shall include the Commission Order's docket number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company and City Project Manager.

All bills for work specified in Section 2 of this Agreement authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all invoices to the Director of Processing and Information, Transportation Bureau of the Commission. All bills shall be submitted no later than twelve (12) months from the completion date specified in the Commission Order approving this Agreement. The final bill for expenditures from the Company shall be clearly marked "Final Bill". The Department shall not obligate any assistance from the Grade Crossing Protection Fund for the cost of proposed improvements described in this Agreement without prior approval by the Commission. The Commission shall, at the end of the 12th month from the completion date specified in the Commission Order approving this Agreement or any Supplemental Order(s) issued for this project, notify the Department to de-obligate all residual funds accountable for this project. Notification may be by regular mail, electronic mail, fax, or phone.

SECTION 7 Billing: For all work specified in Section 2 of this Agreement and authorized by an Order of the Commission, The Company shall assure that sufficient documentation for all bills is made available for review by the Department or the Department's representative. The minimum documentation that must be made available is outlined below:

- a) Labor Charges (including additives) - Copies of employee work hours charged to the railroad account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad account code for the project.
- c) Material - An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) Engineering - Copies of employee work hours charged to the railroad account code for the project.
- e) Supervision - Copies of employee work hours charged to the railroad code for the project.
- f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- g) Service Dates - Invoice shall include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice shall be marked as a Progressive or a Final Invoice.

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SECTION 7 Billing: For all work specified in Section 2 of this Agreement and authorized by an Order of the Commission, The Company and Stonington Township shall assure that sufficient documentation for all bills is made available for review by the Department or the Department's representative. The minimum documentation that must be made available is outlined below:

- a) Labor Charges (including additives) - Copies of employee work hours charged to the railroad account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used, including the rental rate; number of hours the equipment was used and the railroad account code for the project.
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- f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- g) Service Dates - Invoice shall include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice shall be marked as a Progressive or a Final Invoice.

- i) Reference Numbers - Each invoice shall include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.
- j) Locations - Each invoice shall show the location, with the street name and AAR/DOT crossing inventory number.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate Order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

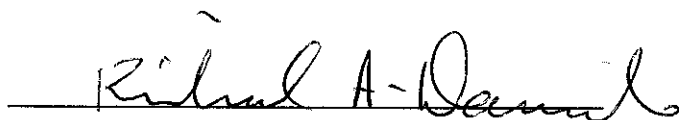
Witness whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated on their respective Execution Pages, attached hereto.

Executed by the Commission this 12th day of October 2006.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Richard A. Daniels
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1232 executed by Commission Staff on October 12, 2006 concerning improvements at the Moffet Lane highway-rail grade crossing of the Norfolk Southern Railway Company tracks in Decatur, Illinois, designated as crossing AAR/DOT #479 255X, railroad milepost 378.74-WC.

Executed by the Company this 25th day of October 2006

NORFOLK SOUTHERN RAILWAY
COMPANY

1/12/06

By: Al Combs
General Manager

Attest:

Mary Ann Murrey
Assistant Corporate Secretary

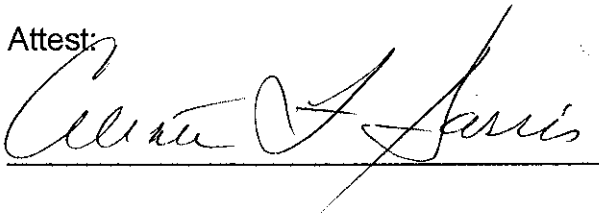
Illinois Commerce Commission Stipulated Agreement No. 1232 executed by Commission Staff on October 12, 2006 concerning improvements at the Moffet Lane highway-rail grade crossing of the Norfolk Southern Railway Company tracks in Decatur, Illinois, designated as crossing AAR/DOT #479 255X, railroad milepost 378.74-WC.

Executed by the City this 6th day of November 2006

CITY OF DECATUR

By: 

Attest:



RECEIVED
NOV 13 2006


Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1232 executed by Commission Staff on October 12, 2006 concerning improvements at the Moffet Lane highway-rail grade crossing of the Norfolk Southern Railway Company tracks in Decatur, Illinois, designated as crossing AAR/DOT #479 255X, railroad milepost 378.74-WC.

Executed by the Department this 13th day of November 2006

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By:

A handwritten signature in black ink, appearing to read "Milton R. Sees", written over a horizontal line.

Milton R. Sees, Director of Highways/ Chief Engineer

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern Railway Company
USDOT#, MILEPOST	479 255X, mp 378.74-WC
STREET, CITY, COUNTY	Moffet Lane
JURISDICTION (RDWY)	Macon County
LOCATION	Residential, urban
STREET SURFACE	32 south, concrete and 20 north chip seal

CROSSING DATA: Also see Location Sketch page 3 for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
E-W	Timber & asphalt	36 ft.	fair

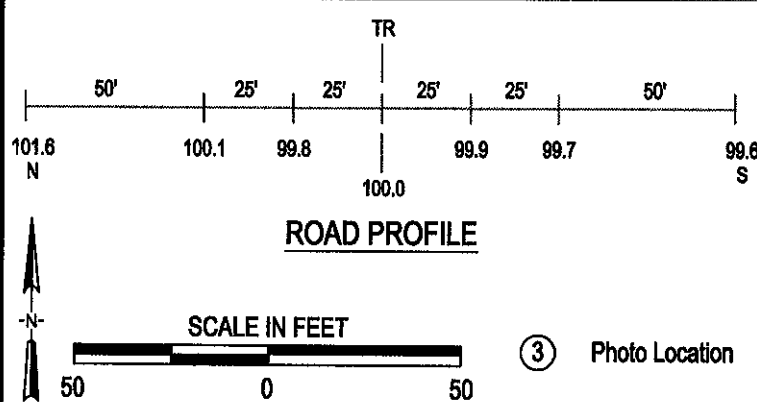
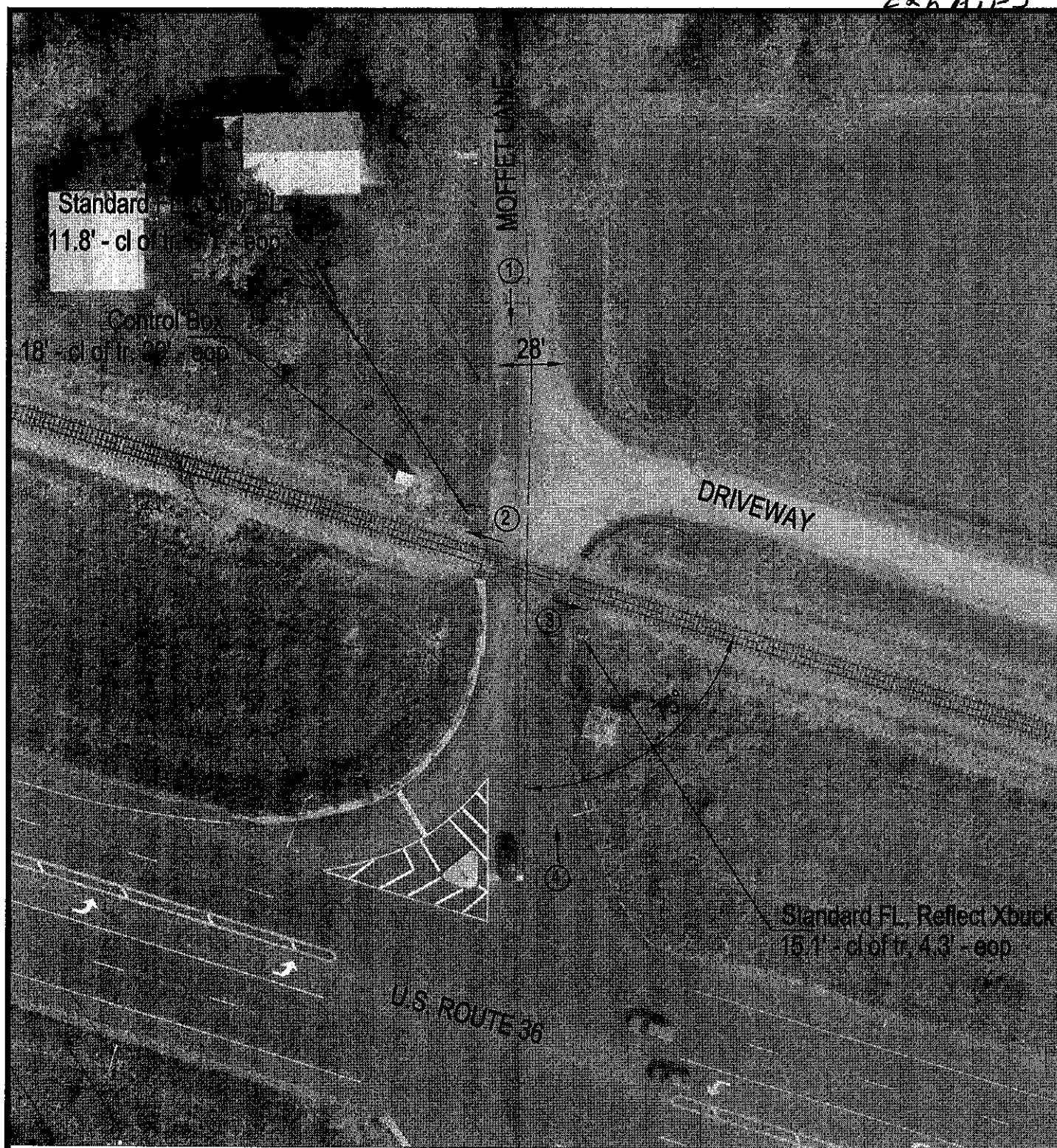
ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	US Rt.36 is 120 ft. to the south of the tracks. See pg 3 (drawing). Driveways 35 ft. north of tracks
TRAFFIC CONTROL	Stop sign at US 36.
ADT & SPEED	75+ Per Day @ 30mph
TRAFFIC TYPE	Passenger, School Buses possible
ADVANCE WARNING	Yes on north, need something on south
PAVEMENT MARKING	No, but need something on south

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	12 Per day @ 60 MPH, Day & Night
PASSENGER TRAFFIC	none
WARNING DEVICES	Automatic flashing light signals

NOTES:



Crossing #: 479255X

Location: Macon Co., City of Decatur (I)

Lat/Long: 39°50'53" / 89°00'20"

Railroad: NS

Street: Moffet Lane

Railroad Milepost: 378.74

Crossing Protection: Train Activated Device

VISIBILITY STUDY: See Location Sketch

Train Speed	60	MPH
Roadway Speed	30	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	222	FEET
Along Tracks	583	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1440	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	700	Embankment/trees	300	Track in cut section
NW	700	Curve in track	100	house
SE	900	Curve in track	Ok	But bad angle if on US 36
SW	ok	N/A	N/A	But bad angle if on US 36

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES:

DIRECTION/North			DIRECTION/South		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	99.8	0.8	25	99.9	0.4
50	100.10	+1.2	50	99.7	0.8

Distance measured from outermost rail.

COMMENTS:

Norfolk Southern Railway's preliminary estimate of cost for new automatic warning devices is \$189,572.

IDOT will pay 70% of this cost and Grade Crossing Protection will pay 30% (not to exceed \$56,872), and the railroad will maintain.

Page three will be the Location Sketch (Aerial Photo) of the crossing.



12-Oct-06

Erl B

Round Figure Estimate for Grade Crossing Warning Devices

City/State: DECATUR, IL
MilePost: DH-378.74
State Proj. No.:
S&E Proj. No.: 04.0079
Man Days: 112

Road: MOFFIT LN.
DOT/AAR: 479255X
County: MACON
AFE:
File Number: 061-04.0174

Purchases - Others	
Meals and Lodging:	\$10,538.04
Rental of Equipment:	\$23,038.40
(2 Trucks, 1 Backhoe w/ Trailer and 1 Pipe-Pusher for 28 Days)	
Construction Supervision Vehicle:	\$1,843.07
Purchases - Other Total:	\$35,419.51
Material And Additives	
Material Cost:	\$75,988.00
Sales and Use Tax:	\$3,799.00
Material Handling Freight:	\$3,799.38
Material Total:	\$83,586.38
Labor And Additives	
Labor Cost:	\$27,104.00
(4 man crew at \$968.00 a day for 28 days)	
Payroll Tax & Overheads:	\$26,738.10
Preliminary Engineering:	\$9,072.07
Construction Supervision:	\$7,651.46
Labor Total:	\$70,565.63
Project Cost:	\$189,571.52
Scrap / Salvage Credit:	\$0.00
Project Total:	\$189,571.52

Estimated on: 12-Oct-06

Estimated by: rhray

Estimate valid for 1 year from date of estimate

To R.S. Daniels via e-mail

**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	
COMPLETION ¹	

DATE	
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PROJECT INFORMATION:

Reporting Party:	Norfolk Southern Railway Company
Docket/Order #:	
Ordered Completion Date:	
Status Reports Due:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	479 255X; MP 378.74-WC
Street, (in/near) City, County:	Moffet Lane, Decatur, IL
Railroad Company:	Norfolk Southern Railway Company

¹ Railroad Companies must include an updated USDOT Inventory Form with their Completion Report.

PROJECT MANAGER INFORMATION²:

Name:	Bob Sharkey
Title:	Construction Engineer
Representing:	Norfolk Southern
Street Address:	99 Spring Street, Box 123
City, State, Zip:	Atlanta, Georgia 30303
Office Phone:	404-527-2887
Office Fax:	404-527-1174
Cellular Phone:	
E-Mail Address:	Robert.Sharkey@nscorp.com

² Project Manager information to be submitted by the City of Decatur and Norfolk Southern Railway Company

DESCRIPTION OF IMPROVEMENTS to be ORDERED:

- Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder, by the Company.

STATUS OF WORK: (use additional blank sheet, if necessary)

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701-1827

If you have questions contact:

Dick Daniels, Railroad Safety Specialist
Phone: 217-785-8420
Email: rdaniels@icc.illinois.gov

A **Form 3** can be obtained from the Illinois Commerce Commission by calling 217/782-7660 or on the web at:

<http://www.icc.illinois.gov/hg/railroadsafety.aspx>

United States Department of Transportation Inventory Form #6180.71 can be obtained on the web at:

<http://safetydata.fra.dot.gov/OfficeofSafety/Forms/Default.asp>

Submit Inventory forms to:

Federal Railroad Administration Office of Safety 1120 Vermont Avenue, NW Washington, DC 20590	<u>And</u>	Chief of Data Services Illinois Department of Transportation 2300 S. Dirksen Parkway Springfield, IL 62764
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**ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DIVISION / RAIL SAFETY SECTION**

PROJECT STATUS REPORT

TYPE: (CHECK ONE)

PROGRESS	
COMPLETION ¹	

DATE	
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PROJECT INFORMATION:

Reporting Party:	City of Decatur
Docket/Order #:	
Ordered Completion Date:	
Status Reports Due:	
Completion Report Due ¹ :	
AAR/DOT#, Milepost:	479 255X; MP 378.74-WC
Street, (in/near) City, County:	Moffet Lane, Decatur
Railroad Company:	Norfolk Southern

¹ Railroad Companies must include an updated USDOT Inventory Form with their Completion Report.

PROJECT MANAGER INFORMATION²:

Name:	Matt Newell
Title:	City Engineer/Acting PW Director
Representing:	Decatur
Street Address:	1 Gary K. Anderson Plaza
City, State, Zip:	Decatur, IL 62523-1196
Office Phone:	217-424-2747
Office Fax:	217-424-2799
Cellular Phone:	
E-Mail Address:	mcnewell@decaturnet.org

² Project Manager information to be submitted by the City of Decatur and the Norfolk Southern Railway Company

DESCRIPTION OF IMPROVEMENTS to be ORDERED:

- Installation of advance warning signs and pavement markings for the south approach, by the City.

STATUS OF WORK: (use additional blank sheet, if necessary)

Mail directed to the **Rail Safety Section** or the **Director of Processing and Information**, Transportation Bureau of the Commission should be addressed to:

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Springfield, IL 62701-1827

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